

### **REMARKS**

Favorable consideration and allowance are respectfully requested for claims 1-55 and 57-59 in view of the foregoing amendments and following remarks.

#### **35 U.S.C. §112 Rejection**

The rejection of claims 2-6, 8-27, 29-53, 55, 57-59 under 35 U.S.C. §112 as failing to comply with the written description requirement is respectfully traversed.

Claims 2, 29, and 55 are amended to replace the phrase “non-textual” with “graphical.” This phrase is supported in the specification, at least, for instance, in paragraph [0012]. Accordingly, the claims no longer recite the objected to phrase and withdrawal of this rejection is respectfully requested.

#### **35 U.S.C. 103 Rejections**

The rejections of claims 1-5, 7-11, 25-32, 34-38, 52-53, 55, 57-59 under 35 U.S.C. §103(a) over Cousineau (US 2004/0162142) in view of Pederson (US 2004/0198403) is respectfully traversed.

Claim 2 is amended to recite the limitations of previously pending claim 5 and claim 6 is amended to depend from claim 2 rather than claim 5. Similarly, claim 29 is amended to recite the limitations of previously pending claim 32 and claim 33 is amended to depend from claim 29 rather than claim 32. The present invention provides SMS text message support for mobile lottery games so that a player may purchase an electronic lottery ticket using a remote terminal of a wireless network, such as a cellular telephone. Claim 1 provides a translator in the user terminal to convert a message from a Java transaction object format into an SMS text message. This SMS text message can then be transmitted over a wireless network to an application server. When the application server returns an SMS message to the user terminal, the translator in the user terminal converts the SMS message to a Java transaction object format for use by the user terminal.

Thus, the player is provided a graphical interface, through the use of the Java transaction object format, and at the same time, the system makes use of SMS text messaging to

communicate with a remote application server for gameplay. As explained below, this combination of a Java transaction object to provide a player interface and SMS text messaging to communicate with an application server, is not taught or suggested by any prior art. Indeed, there is no teaching or suggestion to provide an interface in front of SMS to provide a user a graphical, animated or other interactive capability at a remote terminal. Further, there is no teaching of a translator to convert gaming messages from a Java transaction object format to an SMS text message format.

Cousineau teaches the use of wireless communications devices to play games, and states that in a preferred embodiment the game is played over the Internet, see paragraph [0019]. In this way, Cousineau teaches away from the presently claimed invention, where, rather than relying on the Internet, SMS messages is used as a communication format.

In paragraph [0026] Cousineau provides a laundry list of digital communication possibilities, but no where does the reference teach that any of them might be combined. The reference certainly does not teach that Java might be provided in front of SMS. Rather, the skilled artisan, having reviewed Cousineau, would understand only that a player interface might involve the direct entry of SMS messages. There is nothing to suggest that a player might interact with a Java interface and the system would then generate an SMS message to be sent wirelessly to an application server.

The Office Action correctly acknowledges this, stating “Cousineau fails to disclose that the first remote user terminal includes a translator configured to convert the first gaming message from a Java transaction object format to the first SMS text message prior to the first SMS text message’s transmission via the wireless network . . .”

The secondary reference, Pedersen, similarly does not teach a system as claimed, where a translator is used to convert a Java transaction object format message into an SMS text message for communication with a data center including an application server. Instead, Pedersen is directed to communications between players on different mobile devices. Thus, for instance, Pedersen allows two users to play a game such a backgammon, see paragraph [0054].

Neither Pederson nor Cousineau, nor the proposed combination of these references, contemplates a system as is set forth in the present claims where a user interacts with a Java

application which is then converted into SMS messaging to communicate with a data center including an application server.

Further, certain claims recite not simply a translation from Java to SMS and back to Java, but instead, a translation from Java to a binary message format, then to an ASCII text message format and then to an SMS text message format, see, e.g., claims 6, 33, and 54. The recent Office Action appears to acknowledge that the references do not teach such a system and instead asserts that the invention set forth in these claims is simply one of design choice. The Office Action's reliance on the disclosure of the present application is misplaced, not only because the disclosure is not prior art to the present application, but also because absent this disclosure, there would be no suggestion to make use of the claimed formats and related translations.

The Office Action presents a conclusory assertion that the use of different formats is a matter of design choice. Applicants disagree that the selection of particular formats in a particular arrangement as is recited in the claims is merely a matter of design choice. Further, the fact remains that the Office Action cites no prior art reference for the particular series of translations that are required by the claims.

Thus, the cited references do not teach all of the elements of the claimed invention and the obviousness rejection cannot be properly maintained. Reconsideration and withdrawal thereof are respectfully requested.

The rejection of claims 12-24, 39-51, and 54 under 35 U.S.C. §103(a) over Cousineau (US 2004/0162142) in view of Pederson (US 2004/0198403) and Sludikoff (US 5,116,049) is respectfully traversed.

Sludikoff is offered as teaching a lottery game of selecting numbers and drawing numbers. However, Sludikoff does not make up for the failure of Cousineau and Pederson to teach or suggest the other features of the claimed invention, as outlined above. Accordingly, these claims are allowable over the proposed combination of these three references. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

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### **CONCLUSION**

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

In the event that any further fees are due or refunds allowed, please apply any charges or credits to deposit account 50-3211 (21204.0003).

Respectfully submitted,

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